

REMARKS

Claims 1, 3-12, 14, 18-25, 27-32, 34-42, 44, 36, 55-66, 68-69, and 72-73 are pending.

A clean copy of the pending claims with amendments incorporated is attached to this response for the Examiner's convenience.

Art-Based Rejections

In responding to the Examiner's prior art rejections, Applicant only justifies the patentability of his independent claims (i.e., claims 1, 18, 32, and 55). As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, Applicant does not separately discuss the patentability of his dependent claims, although it reserves the right to do so at a later time if necessary.

Independent claims 1, 18, 32 and 55 stand rejected as obvious given the combination of USP 5,501,257 ("Hickman"), USP 6,643,933 ("Seigneur"¹), and USP 5,220,773 ("Klaeger").

Applicant has amended independent claims 1, 18, 32, and 55 to obviate these bases for rejection. Thus, these claims now recite a "plurality" of saw blades, wherein "the chemical treatment is blocked in part by the saw blades so that some amount of the chemical treatment is sprayed onto the saw blades." Support for this limitations can be found in Paragraph 0025 of Applicant's disclosure, and therefore does not constitute new matter.

As amended, Applicant's claims are not unpatenable for two reasons:

¹ The Examiner called this reference "David."

First, the Examiner assumes that the cited references—Hickman, Seigneur, and Klaeger—are properly combinable for obviousness purposes. But one of ordinary skill would not have been motivated to combine these references, as they are in completely different fields. Hickman is directed to a vehicle mounted tree trimming assembly used for cutting tree limbs. Seigneur is directed to a hand-held chain saw for cutting down trees. Klaeger is directed to a lawn moving apparatus capable of cutting grass.

The Examiner contends that it would have been obvious to modify the teaching of Hickman with the teaching of Seigneur to prevent the spread of fungus as taught by Seigneur. Office Action at 2. *But this comment merely reiterates Seigneur's teaching*; it neither provides justification nor cites to any evidence concerning whether one skilled in the art would have been suggested or motivated to have **combined** Hickman and Seigneur, the relevant issue as concerns obviousness. Noting Seigneur's beneficial attributes is not in itself evidence of suggestion or motivation to combine with Hickman.

In any event, and turning to Applicant's second point, even when Hickman, Seigneur, and Klaeger are combined, they do not disclose all of the limitations of Applicant's claims.

As noted above, Applicant has amended his claims to specifically recite "a plurality" of saw blades. Moreover, Applicant has further added the limitation that "the plurality of nozzles direct the chemical treatment generally parallel with the saw blades, . . . wherein the chemical treatment is blocked in part by the saw blades so that some amount of the chemical treatment is sprayed onto the saw blades."

Even when the references are taken together, these limitations are not disclosed or suggested. Hickman, while having a plurality of saw blades, is silent regarding chemical treatment. Seigneur discloses only chemical treatment directed perpendicularly to a singular saw

blade, and suggests nothing regarding the use of multiple saw blades. Nor does Seigneur disclose or suggest spraying *onto* the saw blade. Instead, Seigneur's nozzles, in the plane of the saw blade, spray *away* from the saw blade.

The new reference relied upon by the Examiner—Klaeger—may disclose a nozzle (306; Fig. 1) parallel to the saw blade. But this nozzle is only a singular nozzle at the end of Klaeger's "wings" 24 (see Fig. 1). Moreover, it is certainly clear that Klaeger's saw blade 30 does not "block" the chemical treatment "so that some amount of the chemical treatment is sprayed onto the saw blades." As explained in Klaeger, col. 11, l. 63 to col. 12 l. 16, the chemical treatment is provided to the end of the wings 24 by a line 304 which is "routed and secured along wings 24," col. 12, l. 8. A shroud 88 protects the end saw blade. See Figs. 1 and 3. Because the wings 24 are above the shroud 88 (see Fig. 3), the line 304 and nozzle 306 must also be above the shroud 88. Thus, the saw blade in Klaeger could not block the chemical treatment so that some amount of it is sprayed onto the saw blades; the shroud 88 would completely prevent this communication of the chemical treatment between the nozzle and the saw blade.

Moreover, even if the shroud 88 didn't prevent communication between the chemical treatment and the saw blade as claimed, the fact remains that Klaeger doesn't provide multiple nozzles, each directing the chemical treatment to the multiple saw blades as claimed. Nor is this suggested.² Seigneur also doesn't disclose or suggest this, because, as noted, Seigneur's only discloses a chain saw, obviously having only a single saw blade.

Therefore, neither Seigneur nor Klaeger—the two references having any disclosure of spraying chemical treatments—disclose or suggest that "the plurality of nozzles direct the


² In fact, Klaeger only talks about chemical treatment being useful when the wings encounter an obstacle 148, noting that herbicide can be sprayed "around the base of the obstacle." Col. 12, l. 6. It therefore only suggests the need for treatment by a single nozzle at the end of a wing (i.e., at the last saw blade), not along the various saw blades. In short, Klaeger doesn't suggest any relationship between a plurality of nozzles and a plurality of saw blades as claimed.

chemical treatment generally parallel with the saw blades, and wherein the chemical treatment is blocked in part by the saw blades so that some amount of the chemical treatment is sprayed onto the saw blades." Because not all of the limitations of Applicant's claims are disclosed or suggested even assuming the combination of Hickman, Seigneur, and Klaeger, that combination is insufficient to show the obviousness of Applicant's claims. *See* MPEP 2143.03.

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Applicant submits that pending claims 1, 3-12, 14, 18-25, 27-32, 34-42, 44, 36, 55-66, 68-69, and 72-73 are now allowable, and requests the issuance of a Notice of Allowance. Please feel free to contact the undersigned with any questions.

Respectfully submitted,


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